

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 930-A
Case No. 00-24M
(Map Amendment – Square 516, Lots 29, 30 and 62)
March 12, 2001

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on January 25, 2001. At that hearing session, the Zoning Commission considered an application from K4 & Associates, LLC ("K4") to amend the Zoning Map of the District of Columbia, pursuant to section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022, and the Zoning Commission took action to approve the rezoning application.

The application requested that the subject property, Lots 29, 30 and 62 in Square 516, be rezoned from the HR/C-2-C District to the DD/C-2-C District.

FINDINGS OF FACT

1. K4 petitioned the Zoning Commission for the rezoning in order to allow American Housing Partnership, Inc., contract purchaser of the subject property, to develop moderate-income apartments with ground level retail and commercial uses.
2. The subject property contains a total land area of approximately 54,370 square feet, with frontage of approximately 375 feet along K Street, NW, 130 feet along 4th Street, NW, and 17 feet along I Street, NW. The subject property is located approximately 3 blocks east of Mount Vernon Square. The subject property is currently vacant and utilized as a parking lot.
3. The subject property is currently zoned DD/C-2-C, pursuant to emergency action taken by the Zoning Commission on October 16, 2000 (Zoning Commission Order No. 930). (The zoning will revert to HR/C-2-C on February 12, 2001 without permanent action taken by the Commission to amend the Zoning Map.) The emergency action was taken to accommodate the securing of funding necessary for the moderate-income housing proposed to be sited on the subject property. Without emergency action, the funding source may have expired prior to the Commission's consideration of the application for rezoning.
4. Zoned C-3-B in 1958, the subject property was rezoned R-5-D (now R-5-E) on an emergency basis in 1972. The same year, the subject property was again rezoned, to C-2-

B. In 1978, the C-2-B Zone was reclassified as C-2-C. Subsequently, in 1981, the subject property was included within the Housing-Residential (HR) Incentive District, increasing allowable height and density for new apartment house and hotel construction. In 1991, Square 516 was included within the Downtown Development District ("DD") overlay, and, but for the PUD approval in effect at that time, the subject property would now be zoned DD/C-2-C, even absent the emergency action taken by the Zoning Commission on October 16, 2000.

5. The entirety of Square 516 is zoned DD/C-2-C, with the exception of a vacant lot in the southwest corner of the subject square (at the northeast quadrant of the intersection of 5th and I Streets, NW), which is zoned HR/SP-2 as a result of a PUD approved prior to the implementation of the DD overlay.
6. Squares to the north, northeast, east, southeast, south, southwest and west of the subject property are zoned DD/C-2-C, with the exception of the sites of expired PUDs.
7. The C-2-C District permits general commercial development as well as all kinds of residential uses, institutional uses, hotels and inns, with a maximum permitted floor area ratio ("FAR") of 6.0 (no more than 2.0 of which may be non-residential), a maximum building height of 90 feet and a maximum lot occupancy (for residential buildings) of 80 percent.
8. The HR overlay to the C-2-C District permits a maximum FAR of 8.5 for hotels and apartment houses. It also allows buildings that include a minimum of 2.0 FAR devoted to hotel or apartment house use to be built to the maximum height permitted under the Act of 1910 (130 feet for Lot 62, 110 feet for Lots 29 and 30).
9. By comparison, the DD overlay also permits the maximum height allowed under the Act of 1910. The DD overlay applies only to new buildings and to alterations or additions to existing buildings involving more than 100 percent of the building's assessed value in any 12-month period. In addition, the DD overlay is divided into different housing priority areas. Pursuant to Section 1706.8(a), the subject square is included within Housing Priority Area A. As a result, the maximum permitted FAR is 8.0, a minimum of 4.5 FAR of which is required to be utilized for residential. With the purchase of TDRs, available through the DD, or construction of additional residential, the allowable on-site FAR increases to 8.5.
10. The Office of Planning (OP), by report dated January 15, 2001, recommended approval of the application.
11. OP determined that "the proposal is consistent with the Comprehensive Plan, housing policy envisioned by the Downtown Action Plan and the NoMa Development Strategy, and is consistent with the theme of creating a "living downtown."

12. OP further determined that “the uses proposed for the site currently zoned HR/C-2-C are consistent with the DD/C-2-C district; and moderate-income apartments on the site are appropriate at this location as it will help to introduce variety in housing types as well as persons with differing income levels into the Mount Vernon Area.”
13. The Commission concurs with OP’s findings.
14. Advisory Neighborhood Commission 2C, by letter dated October 5, 2000, recommended approval of this application to the Commission.
15. There were no persons or parties in opposition to this application.
16. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated March 1, 2001, found that the proposed map amendment would neither adversely affect the Federal interest in the National Capital nor be inconsistent with the Comprehensive Plan.

CONCLUSIONS OF LAW

1. Section 5-413 of the D.C. Code establishes the authority of the Zoning Commission “to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia”.
2. At the conclusion of the January 25, 2001 public hearing, the Commission took proposed action to approve the application.
3. The Commission has accorded to Advisory Neighborhood Commission 2C the great weight to which it is entitled.
4. Approval of this application is not inconsistent with the Comprehensive Plan.
5. The approval of the application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map.

DECISION

In consideration of the findings and conclusions set forth in this order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of a change of zoning from the HR/C-2-C District to the C-2-C District within the Downtown Development District (DD) Overlay, as identified in this application.

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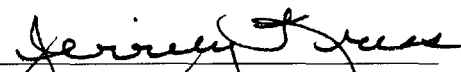
Vote of the Commission at the public hearing held on January 25, 2001: **5-0-0** (Carol J. Mitten, Kwasi Holman, Anthony J. Hood, Herbert M. Franklin, and John G. Parsons to approve).

The Zoning Commission at its public meeting held on March 12, 2001 **ADOPTED** this order by a vote of **4-0-1**: (Anthony J. Hood, Carol J. Mitten, Herbert M. Franklin and John G. Parsons to adopt, Kwasi Holman, not present, not voting).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register, that is on **MAR 23 2001**



CAROL J. MITTEN
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning